

MEMO ENDORSED

***Law Offices of
Daniel A. Hochheiser***

Attorney At Law
2 Overhill Road, Suite 400
Scarsdale, New York 10583
dah@hochheiser.com
(646) 863-4246

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Via ECF and email
Hon. Kenneth M. Karas
United States District Judge
300 Quarropas Street
White Plains, New York 10601


Re: *USA v. Mark A. Martin*, 20 Cr. 447 KMK
REQUEST FOR ADJOURNMENT OF CONFERENCE

Your Honor:

My client, Mark A. Martin, requests an **adjournment** of the status tele-conference scheduled for tomorrow November 3, 2021 at 11 a.m. for approximately 90 days. The reason for the request is that the Second Circuit held oral argument on October 21, 2021 in *United States v. Johnson*, 19-4071 and a decision has not been rendered yet. The *Johnson* decision will likely affect the applicability of the career offender guideline enhancement, and the parties' continuing discussions of a potential, pre-trial resolution. I have conferred by phone with AUSA Jeffrey Coffman concerning this application. The Government has **no objection** to this request.

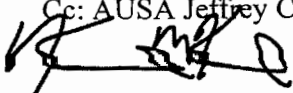
Martin also requests that time be excluded under the Speedy Trial Act from the date of the endorsement of this application through the date of a newly-scheduled status conference, in approximately 90 days, pursuant to 18 U.S.C. §3161(h)(7)(A), to permit the parties time to discuss a potential pretrial resolution. The ends of justice would be served by the granting of this requested continuance which would outweigh the best interests of the public and the defendant in a speedy trial. The Government joins in this request for an exclusion of time until the proposed re-scheduled date.

Granted. The conference is adjourned to 2/10/22 at 11:00. Time is excluded until then, in the interests of justice, to await a potential impactful decision from the Second Circuit. The interests of justice from this exclusion outweigh Defendant's and the public's interests in a speedy trial. See 18 U.S.C. Section 3161(h)(7)(A). Respectfully submitted,


Daniel A. Hochheiser

So Ordered.

Cc: AUSA Jeffrey Coffman via ECF and email

 11/2/21